Remarks

In the March 21, 2007, Office Action, the Examiner rejected claims 1, 3-6 and 10-22, objected to claims 2 and 7-9, and allowed claims 23-28, objected to the Title, objected to the Abstract, objected to the lack of number of the pages of the disclosure, objected to the Summary, and objected to claim 10 under 35 U.S.C. §112, ¶2 (indicating that claim 10 would be allowable if amended to over come the rejections).

By this Amendment, Applicant has amended the titled, added page numbers, and deleted the Summary of the application. Applicant has submitted a Substitute Specification, both in a clean version and a marked up version, in which page numbers have been added, and in which the Summary of the Invention has been deleted. Under Title 37 of the Code of Federal Regulations, inclusion of a Brief Summary of the Invention is permissive, not mandatory. 37 CFR §1.73 states:

> A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, *should* precede the detailed description. Such summary should, *when set forth*, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed. (Italics added)

The statutes and regulations do not require a brief summary. From the indication in the first sentence of 37 CFR §1.73 that a brief summary *should* precede the detailed description, it is clear that inclusion of a brief summary is permissive, not mandatory. The non-mandatory status of a brief summary is made abundantly clear in the second sentence of 37 CFR §1.73, stating that "[s]uch summary, *when set forth*". "[W]hen set forth" is permissive, not mandatory, language.

In the Office Action, the Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Santini et al, USP 2,847,091. The Examiner asserted that Santini '091 discloses each and every feature of claim 1, asserting that "[b]ased on the data, the elevator car is leveled or re-leveled in order to compensation for rope stretch". As the Examiner indicates, Santini does disclose that which is old in the art, namely re-leveling of the elevator car due to an actual load change while the elevator car is at a landing. Claim 1 has been amended to clarify that the present invention does not involve the prior art re-leveling of an elevator car. Claim 1 recites

that the calculated change in the cable system length is compensated by the elevator motor prior to an actual load change. As such, claim 1, and none of the claims dependent therefrom, are anticipated or rendered obvious by Santini.

The Examiner rejected claim 10 under 35 U.S.C. §112, ¶2, asserting that step d's recitation "adjusting the cable system length by an amount based on the determined length change information" is indefinite because it does recite that the cable length is compensated for. Applicant respectfully disagrees. It is not the cable length for which compensation occurs: Claim 10 accurately recites that the cable length is adjusted based on the length change (determined in step c). This reference is not indefinite.

Applicant submits that this application is in condition for allowance, and requests that the Examiner allow the claims. If the Examiner feels there are unresolved issue, Applicant requests that the Examiner contact Applicant's representative identified below, by phone or by email at eacheson@fbtlaw.com.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP: Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, this 21st day of September, 2007.